

# The Gazette of India

## EXTRAORDINARY PART II—Section 3 PUBLISHED BY AUTHORITY

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No. 229] NEW DELHI, MONDAY, MAY 6, 1957/VAISAKHA 16, 1879

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### ELECTION COMMISSION, INDIA

#### NOTIFICATION

*New Delhi, the 30th April, 1957*

**S.R.O 1424** .—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 92 of 1957, presented to the Commission on the 16th April, 1957, under section 81 of the said Act, by Shri V. Munuswamy, son of A. Veeraswamy, resident of 19-A, East Anuwar St., Villupuram, South Arcot District calling in question the election to the House of the People from the Tindivanam constituency of that House of Shri N. P. Shanmugham, son of Ponnuswamy Gounder, resident of Nagalapuram, Tindivanam, South Arcot District.

Presented to me by Shri V. Munuswamy whose signature has been obtained in the margin and attested as having been signed before me this the sixteenth day of April, one thousand nine hundred and fifty seven.

(Sd.) V. MUNUSWAMY.  
*Attested*

(Sd.) DIN DAYAL, 16th April, 1957.

(Sd.) DIN DAYAL, Under Secy.  
Election Commission India.  
16-4-1957.

### ELECTION PETITION UNDER SECTION 81(1) OF THE REPRESENTATION OF THE PEOPLES ACT, 1951

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI.

ELECTION PETITION No. 92 OF 1957

V. Munuswamy—*Petitioner.*

*Versus*

1. N. P. Shanmugham.
2. V. R. Nagarajan, B.A., B.L.,
3. V. Gopala Gounder.
4. M. A. Natesan—*Respondents.*

1. The petitioner is Munuswamy, son of A. Veeraswamy, residing at No. 19-A, East Anuwar St., Villupuram, South Arcot District, and his address for service of all processes and notices is the same.

2. The first respondent is the son of Ponnuswamy Gounder, residing at Nagalapuram, Tindivanam, South Arcot District, and his address for service of all notice and processes is the same.

3. The second respondent is the son of Rajamanickam Naicker, residing at Murungappalan St., Villupuram, South Arcot District, and his address for service of all notices and processes is the same.

4. The third respondent is the son of Velu Gounder, Advocate and Municipal Chairman, residing at Kaveripakkam, Tindivanam and his address for service of all processes and notices is the same.

5. The fourth respondent is the son of Ayyanar Gounder, residing at Murungappalan St., Tindivanam, South Arcot District, and his address for service of all processes and notices is the same.

6. The petitioner and the respondents herein filed their nominations for election to the Tindivanam Single Member Parliamentary Constituency, South Arcot District, Madras State. The third and fourth respondents withdrew their nominations leaving the petitioner and the first two respondents to contest in the field. The election to the Constituency took place on 1st March, 1957 at Tindivanam, whereby the first respondent was declared to have obtained 73,737 votes, the petitioner 65,012 and the second respondent 64,082 votes and 705 votes were declared invalid and the first respondent was declared duly elected to the Parliament from this Constituency. The result was declared on 4th March, 1957.

7. The petitioner alleges that the first respondent returned candidate in the course of his election propaganda, stated to several voters to the effect that he (the petitioner) was the son of a drunkard Kurava Veeraswamy and that he cleverly cheated some persons in Madras into starting a Thirukural Press, and that he cheated all the concerned persons of thousands of rupees and that he had absconded with this money. The first respondent returned candidate further stated that the petitioner herein along with one Radakrishanan and another started a firm of Engineering Contractors and that the petitioner misappropriated 10,065 rupees out of the funds of the firm and that he absconded subsequently.

8. The first respondent returned candidate further stated that the two brothers of the petitioner were Police Constables and were dismissed from the Police Service under shameful circumstances for misconduct. On this basis he appealed that the voters and the people whom he met should not vote for such a man, born of low caste and in a family, noted for its degenerate actions.

9. At the same time and place and to the same persons and others, the returned candidate stated that the petitioner herein was not a Vannia as he claimed, but belonged to the Hereditary Criminal Tribe "Kurava".

10. The petitioner further alleges that these statements were made by the candidate to several persons in the course of his personal propaganda all over several villages in the Constituency and in particular to the persons whose names and addresses are given separately in Schedule "A".

11. The petitioner submits that these statements are all false and untrue to the knowledge and belief of the returned candidate and he made the statement relating to the personal character and conduct of the petitioner with a view to prejudice the prospects of the petitioner in the election. He has thereby committed a corrupt practice within the meaning of Section 123(4) of the Representation of the People Act, 1951 (hereinafter called the 'ACT').

12. The petitioner further states that printed leaflets in Tamil containing the above said allegations marked "Exhibit 'A'" were circulated purported to be signed by several persons who were non-existent through their names closely resembled that of well-known prominent public figures, and were circulated widely among the electorate in the Constituency and in particular to the persons whose names are mentioned hereunder in Schedule "B". Exhibit 'B' is translation of "Exhibit 'A'".

13. The petitioner states that these leaflets were published and distributed by one B. M. Swamy of Madras, with the consent of the Returned Candidate and his agent on 23rd February, 1957 and on other days, in Nagalapuram, Tindivanam, Tindivanam Town.

14. The petitioner submits further that thus a corrupt practice has been committed by the said Swamy with the Consent of the Returned Candidate within the meaning of Section 123(4) of the Act.

15. The petitioner further states that in so far as the respondent has appealed to the electorate not to vote for the petitioner herein on the ground that he does not belong to the Vanniya Caste but only to the low caste 'Kurava', he is guilty of a corrupt practice with the meaning of Section 123(3) of the Act, as the statements have been made systematically by the candidate as well as by the said Swamy with the consent of the Returned Candidate.

16. The petitioner therefore prays that this Hon'ble Tribunal may be pleased to declare the election of the first respondent returned candidate void under Section 100(1) (b) of the Act.

17. The petitioner further states that in any event the statements made by the candidate and by the said Swamy with the consent of the returned candidate amount to a corrupt practice made in the interest of the returned candidate and inasmuch as the said corrupt practice has been widespread, it has materially affected the result of the election and the election of the returned candidate may therefore be declared void under Section 100 (1) (d) (ii) of the Act.

18. The petitioner further states that but for the votes obtained by the returned candidate by the Commission of the corrupt practices detailed above the petitioner would have obtained a majority of the valid votes and he further prays that he may be declared to be elected under Section 100 (1) (b) of the Act. A sum of rupees one thousand has been deposited in the Reserve Bank of India and the chalan attached herewith.

19. The petitioner further prays that this Hon'ble Tribunal may be pleased to pass such further or other orders as may be appropriate in the circumstances of the case.

(Sd.) V. MUNUSWAMY,  
Petitioner.

Dated this 16th day of April, 1957.

#### Verification

I, V. Munuswamy, the petitioner abovenamed hereby states that the facts stated in paragraphs 6 to 15 are correct to the best of his knowledge, information and belief.

(Sd.) V. MUNUSWAMY,  
Petitioner.

Dated the 16th day of April, 1957.

#### SCHEDULE "A"

1. Namidass, son of Anandaraja Nainar, Village Munsif, Peramandur Post, Tindivanam Taluk—24-2-1957.
2. N. Abimannan, son of Natesa Gounder, D.M.K. Secretary, Rettanai Village & Post, Tindivanam Taluk—22-2-1957.
3. R. T. Chinnana Nattar, Secretary, Fishermen Union, son of Thondi Nattar, Parvatharajakula St., Rettanai Village and Post, Tindivanam Taluk—22-2-1957.
4. Palani, son of Vairavan, Cheri (Colony) Chinnababusamudram P. O. Villupuram Taluk—20-2-1957.
5. Narayanaswamy, Panchayat Board Member, son of Arjunan, Saram, Sarak Post, Tindivanam Taluk—23-2-1957.
6. Ayyavu, Teacher, son of Arunachalam, Saram, Saram Post, Tindivanam Taluk—23-2-1957.
7. Munian, son of Arumugham, Periathachur Post, Via Villupuram, Tindivanam Taluk—28-2-1957.
8. Sivamurthi Gounder, son of Murgesa Gounder, Periathachur Post, Via Villupuram, Tindivanam Taluk—28-2-1957.
9. Ramkrishna Goundan son of Thuraiiswami Gounder, Periathachur Post, (Via) Villupuram, Tindivanam Tq.—28-2-1957.
10. Subramania Gounder, son of Sathasiva Gounder, Periathachur Post, Via Villupuram Tindivanam Taluk—28-2-1957.
11. Darumakrishna Goundan son of Govindagoundan, Periathachur Post, Via Villupuram, Tindivanam Taluk.
12. K. Kannyiram, son of Kuppagounder, President, Panchayat Board, Chandur, Pathirapuliur Post, Tindivanam Taluk—22-2-1957.
13. Natesa, Gounder, son of Kuppa Gounder Chendur, Pathirapuliur Post, Tindivanam Taluk—22-2-1957.

14. Thulasi Gounder, son of Kuppa Gounder Chendur, Pathirapuliur Post, Tindivanam Taluk—22-2-1957.

15. Gurunatha Gounder, son of Jayarama Gounder, Chendur, Pathirapuliur Post, Tindivanam Taluk—22-2-1957.

I, V. Munuswamy, the petitioner abovenamed do hereby declare that what is stated in the schedule above referred to is true to my knowledge, information and belief.

(Sd) V. MUNUSWAMY,  
Petitioner.

Dated the 16th day of April, 1957.

#### SCHEDULE "B"

Particulars of corrupt practices referred to in paragraphs 10 & 12.

	Postal cover containing the leaflet received on.
1. K. Subramaniam, Teacher and Manager, son of Kasilinga Gounder Eraiyannur, Tindivanam Post, Tindivanam Taluk . . . . .	2-3-1957
2. Nemidass, Village Munsif, son of Anandaraja Nainar, Peramandur Post, Tindivanam Taluk . . . . .	2-3-1957
3. Chandira Moorthy, Panchayat Board Member, Salt Merchant, Marakkanam Post, Tindivanam Taluk . . . . .	25-2-1957
4. Murugesan, son of Rangaswami Gounder, Chairman, Motor Workers Union, Tindivanam Post . . . . .	26-2-1957
5. Singaram Pillai, Mundy Merchant, Tindivanam Post . . . . .	26-2-1957
6. Gunamalai Nadar, Salt Merchant, Marakkanam Post, Tindivanam Taluk . . . . .	2-3-1957
7. D. Shanmugham, Hon'ble Railway, Magistrate, Villupuram Junction, Villupuram . . . . .	25-2-1957
8. V. R. Nagarajan, B.A., B.L., Advocate, Villupuram . . . . .	23-2-1957
9. Janakiraman, Teacher, Naraiyur, Valavanur Post, Villupuram Taluk . . . . .	23-2-1957
10. V. Gopalagounder, son of Velu Gounder, Municipal Chairman, Tindivanam Post . . . . .	25-2-1957
11. Annaswami Mudaliar, Bread Merchant, Villupuram Post, Villupuram . . . . .	25-2-1957

I, V. Munuswamy, the petitioner abovenamed do hereby declare that what is stated in the schedule above referred to is true to my knowledge, information and belief.

(Sd.) V. MUNUSWAMY,  
Petitioner.

Dated this 16th day of April, 1957.

(Translation of Exhibit A Tamil Notice)

#### EXHIBIT "B"

*A warning to 41,600 Voters of the 517 Polling Stations in Tindivanam regarding Tirukkural Munuswamy.*

The person Tirukkural Munuswamy is a rogue born in the habitual Criminal caste, name Kurava. The undermentioned brothers begged of the electorate to note the following shameful and cheating acts of the said person and to cast their votes to other candidates for the Tindivanam Parliamentary Constituency.

The people of the Constituency have not derived any benefit from this Munuswamy to now. He does not have any characteristics which can inspire confidence that we will get it in the future. This rogue is this younger son of of the late drunkard Railway Constable Kura Veerasamy who was living in Nepalayam Street, Villupuram. But he goes about saying that he is a true Vannia. He cleverly approached Manjakuppam Arjunan and some others in Madras. He cleverly managed to start an organisation by name "Tirukkural Achagam"; subsequently he deceived the persons connected with the above organisation and cheated them and fraudulently misappropriated thousands of rupees and close down the "Tirukkural Achagam".

Further he started a firm of Engineering Contractors at Bellary Thungabadra Dam site. He managed to get hold of Mr. M. A. Radhakrishnan, Officer Special Armed Police, Madras, and another friend of his who was an employee starting Civil Engineering Service, as partners and installed himself as the Treasurer and Manager. Subsequently he cheated and misappropriated the Company of 10,065 rupees and disrupted the company and went into hiding. Two of his brothers were Police Constables who were dismissed under shameful circumstances for misconduct. We appeal to the voters not to cast their votes to the said Kurava Munuswamy born of low caste, born in a family known for its shameful actions. We appeal to them to cast their valuable votes to any other candidate they think fit.

(Signed)

1. M. S. Natesa Padayachi,  
Vikravandi.
2. R. Gopal Gownder, Dindivanam.
3. S. S. Srinivasa Padayachi,  
Surbanamchavadi.
4. T. Ramaswamy Mudaliar,  
Chengl.
5. S. P. Subramanya Iyer, Madras.
6. D. David (Trichy, Eruthayapuram).
7. S. Ramanatha Pillai,  
(Urayur, Trichy).
8. S. Kannappa Mudaliar,  
(Villupuram).
9. R. Ganesan, (Villupuram).
10. G. Arumuga Padayachi  
(Kidangal, Tindivanam).
11. S. Balakrishnan,  
(Golden Rock, Trichy).
12. Krishnaswamy Padayachi,  
Tindivanam.

(True Translation).

(Sd.) V. MUNUSWAMY,  
Petitioner.

By Order,  
DIN DAYAL, Under Secy.

